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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,164	10/21/2002	Matthew P. Patricelli	063391-0202	6075
30542	7590	06/13/2006	EXAMINER	
FOLEY & LARDNER LLP P.O. BOX 80278 SAN DIEGO, CA 92138-0278			HAQ, SHAFIQU	
			ART UNIT	PAPER NUMBER
			1641	
DATE MAILED: 06/13/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Rule 312 Communication	Application No.	Applicant(s)	
	10/049,164	PATRICELLI, MATTHEW P.	
	Examiner	Art Unit	
	Shafiqul Haq	1641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 23 March 2006 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) ☒ disapproved. See explanation below.
- e) ☐ entered in part. See explanation below.

F is defined as functional group in the formula R(F-L)-Fl or F-L-Fl as described in paragraphs [0046], [0047] and [0077]. These paragraphs were also cited in applicant's remark filed on 3/23/06. In the above formula, F is a functional group and a preferred functional group as described in paragraph [0079] is a fluorophosphonate group, which is the same functional group claimed in claim 1 of instant application. In the explicitly drawn structure of the functional group (i.e. fluorophosphonate group), F is a fluorine atom, not a functional group. F as fluorine in the explicit structure of function group (fluorophosphonate) is also shown in fig. 1 of specification, which clearly shows that a fluorine atom is incorporated into phosphonate group of succinimide ester by reacting with DAST (diethylaminosulfurtrifluoride). Therefore, applicant's argument that F is a functional group in the probe structure of claim 1 wherein functional group is drawn to explicit structure is not correct. F is a fluorine atom in the fluorophosphonate function group of the probe structure.*

A telephone call was made to Applicant's representative Stephen E. Reiter on April 3, 2006 to discuss about this issue and applicant agreed that F in the probe substructure of claim 1 is a fluorine atom, not a functional group.


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